

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL GANTT and TRINA, GANTT,	:	CIVIL NO. 1:06-CV-1354
Plaintiffs	:	(Chief Judge Kane)
v.	:	(Magistrate Judge Smyser)
ABSOLUTE MACHINE TOOLS, INC. and ROUNDTOP MACHINERY INDUSTRIES, CO., LTD., t/a JOHNFORD	:	
Defendants	:	

REPORT AND RECOMMENDATION

This is a products liability claim brought by Michael and Trina Gantt following Michael Gantt's hand injury which occurred while he was cutting metal parts using a lathe while in the employment of Fulton Precision Industries. Two corporate defendants are named: Absolute Machine Tools, Inc. ("Absolute"), an Ohio company, and Roundtop Machinery Industries, Co., Ltd., t/a Johnford ("Roundtop"), a Taiwan corporation. Diversity of citizenship is the jurisdictional basis. 28 U.S.C. § 1332. The complaint states claims of negligence, claims under strict product liability principles and claims of breaches of warranty by Michael Gantt against each defendant and claims by Trina Gantt, his wife, for loss of consortium against both defendants.

The complaint was filed on July 10, 2006. Defendant Absolute filed an answer on August 11, 2006. Defendant Roundtop filed an answer to the complaint on March 14, 2007.

Pursuant to a case management order filed by Chief Judge Kane on August 9, 2007, the case is scheduled for trial on April 7, 2008.

Presently before the court is a petition of defendant, Absolute for leave to join RMT Sales, Inc. as an additional defendant in this action. Defendant Absolute seeks to join RMT Sales, Inc. as it believes that RMT Sales, Inc. was the distributor and installer of the Johnford Model ST-60B lathe in question in this litigation. Defendant Absolute also seeks to extend the trial date for a period of sixty days. Counsel for the plaintiffs and counsel for defendant Roundtop concur in the petition to join RMT Sales, Inc.

Given that it is concurred in by all parties, it is recommended that defendant Absolute's petition (doc. 53) for leave to join RMT Sales, Inc. as an additional defendant be granted. Joinder of an additional defendant at this date will require modification of the case management order, and it is recommended that a new case management order be issued.

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: December 18, 2007.